

In the High Court of Punjab and Haryana at Chandigarh

(1) CRM-M No.28746 of 2019

Pushpinder Singh Sibbal @ Boni and others
.....Petitioners

Versus

State of Punjab and others
.....Respondents

(2) CRM-M No.29136 of 2019

Harpreet Singh and others
.....Petitioners

Versus

State of Punjab and others
.....Respondents

Date of Decision: 22.11.2019

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Naveen Sharma, Advocate
for the petitioners in CRM-28746-2019 and
for the respondents No. 2 and 3 in CRM-M-No.29136-2019.

Mr.M.S.Nagra, AAG, Punjab.

Mr.Sanjeev K. Bawa, Advocate for respondents No.
2 & 3 in CRM-M-28746-2019 and for the petitioners
in CRM-M-29136-2019.

HARNARESH SINGH GILL, J. (ORAL)

This order will dispose of the above stated two petitions are arising out of the same FIR.

CRM-M-28746 of 2019 has been filed by the petitioners seeking quashing of FIR No.82 dated 15.06.2019 registered under Sections 323, 452, 427 and 295 IPC at Police Station-Division No.3, District Police Commissionerate Ludhiana, District Ludhiana, whereas CRM-M-29136 of 2019 has been filed by the petitioners seeking quashing of the cross-version

recorded vide DRR No.25 dated 17.06.2019 to FIR No.82 dated 15.06.2019 and all the consequential proceedings arising therefrom, on the basis of compromise dated 25.06.2019 (Annexure P-3) arrived at between the parties.

This Court vide order dated 09.07.2019 in CRM-M-28746 of 2019 as well as vide order dated 12.07.2019 in CRM-M-29136 of 2019, had relegated the parties to appears before the Illaqa Magistrate/trial Court for recording their statements qua compromise.

In compliance of the aforesaid order, report dated 10.09.2019 has been received from the trial Court after statements of the parties were recorded regarding the compromise. The trial Court has reported that the compromise is genuine and voluntary. The trial Court has also sent the copies of the statements of the parties.

The Hon'ble Full Bench of this Court in case ***Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*** and Hon'ble Division Bench of this Court in case ***Sube Singh and another vs. State of Haryana and another, 2013(4) RCR (Criminal) 102*** observed that compounding of offence can be allowed even after conviction, during proceedings of the appeal against conviction pending in Sessions Court and in case of involving non-compoundable offence.

Hon'ble Apex Court in the case of ***Gian Singh Versus State of Punjab and another. 2012(4) RCR (Criminal) 543*** has held as under:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude

with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R. may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personnel in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice

to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

The same view has been reiterated by Hon'ble the Apex Court in case ***Narinder Singh and others Vs. State of Punjab and another, 2014(2) RCR (Criminal) 482.***

Since the parties have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing the criminal proceedings to continue.

Accordingly, these petitions are allowed. FIR No.82, dated 15.06.2019 registered under Sections 323, 452, 427 and 295 IPC at Police Station-Division No.3, District Police Commissionerate Ludhiana, District Ludhiana and cross-version recorded vide DRR No.25 dated 17.06.2019 to the aforesaid FIR as well as all other consequential proceedings arising therefrom, are quashed.

Needless to say that parties shall remain bound by the terms of compromise and their statements made in the Court below.

(HARNARESH SINGH GILL)
JUDGE

22.11.2019
Anjal

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No